

REMARKS

Entry of this response and reconsideration and allowance of the above-identified patent application are respectfully requested. Claims 7-9 were rejected in the office action. Claims 10-20 were objected to in the office action. No claims have been amended, added or canceled. Therefore, following entry of the present response, claims 7-20 will be pending in the present application.

Applicants appreciate the Examiner's indication that claims 10-20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants would like to thank the Examiner for indicating the allowability of claims 10-20. Applicants respectfully request consideration of the allowability of the remaining claims.

Claims 7-9 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 5,621,629. A Terminal Disclaimer is being submitted herewith disclaiming the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent No. 5,621,629. Therefore, the obviousness-type double patenting rejection has been obviated, and applicants respectfully request withdrawal thereof.

Claims 7 and 9 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,055,803 to Kraley *et al.* ("Kraley"). In particular, the office action suggests that column 2, lines 43-45 of Kraley describes an electrical energy meter that can be connected to a polyphase electrical service *having a wide dynamic range of standard service voltages*. However, nowhere does Kraley discuss that it can be connected to a wide dynamic range of standard service voltages.

The office action suggests that column 2, lines 43-45 of Kraley teaches an electric energy meter that "is structured to be capable of measuring electrical energy usage over a *wide dynamic range of service voltages*." (*Office Action dated March 30, 2005 at P. 3*) (emphasis added). Column 2, lines 41-45 of Kraley recite the following:

It is a feature of the present invention to provide a watt and var transducer adapted to be connected to a single phase power line or, along with a second watt and var transducer of the same type, adapted to be connected to a three-phase power line.

With all due respect, this portion of Kraley certainly does not suggest that the energy meter can operate over a wide dynamic range of service voltages. This portion of Kraley simply notes that Kraley's meter can be connected to more than one type of power *phase*; namely single-phase power or three-phase power. This is wholly distinct from the "wide dynamic range of service voltages" contemplated by the presently claimed embodiment that allows a meter to be connected to more than one type of *voltage level*.

As discussed throughout the present specification, wide dynamic range of service voltages in the presently claimed embodiments refers to "several different nominal primary voltages. The most common of these voltages are 120, 208, 240, 277 and 480 volts RMS." (*Specification* – page 1, lines 19-21). By providing such a meter that can be connected to these several different nominal primary voltages, the presently claimed embodiment provides "a single meter which is capable of metering electrical energy associated with nominal primary voltages in the range from 96 to 528 volts RMS." (*Specification* – page 2, lines 20-22).

As explained in the present specification, this embodiment provides a solution to the problem of electric utility companies having to stock different meters for each different type of nominal input voltage. This solution also desirably keeps the electric utility companies from having to "inventory, test and maintain many different styles of meters," and thus reduces "the number of meter types a utility need inventory by providing a meter capable of operation over a wide dynamic range." (*Specification* – page 1, lines 21-23). This solution has created a significant cost savings to the electric utility industry.

Therefore, the "wide dynamic range" contemplated by the presently claimed embodiment has nothing to do with Kraley's capability of providing a meter capable of operating on single-phase and three-phase systems. There is no teaching or even a suggestion in Kraley that its meter is capable of also operating over various input voltage levels. In other words, while the cited portion arguably discusses multi-phase connection, it does not discuss a wide dynamic range of service voltages. The Examiner is respectfully requested to recognize the difference between a meter than can operate on two phases and one that can operate over multiple voltages, a distinction that is well known to those skilled in the art.

Also, the office action suggests that "the output is regulated (circuit electrically connected to 52; col 6, ln 16-28) to provide a predetermined output voltage (any one of +13 Volts, +6.2 Volts, -6.2 Volts or -13 Volts) independent of the input voltage." (*Office Action dated March 30, 2005* at p. 7). Applicants respectfully disagree for at least two reasons. First, there is no teaching nor even a suggestion in the cited portion of Kraley to support the notion that the output voltage is predetermined independent of the input voltage. Second, Kraley does not teach a predetermined voltage, but instead teaches multiple voltages (e.g., +13 Volts, +6.2 Volts, -6.2 Volts or -13 Volts).

Accordingly, applicants respectfully request withdrawal of the rejection of claims 7 and 9 under 35 U.S.C. 102(b) over Kraley.

Information Disclosure Statement

The office action alleged that the information disclosure statement (IDS) filed on October 14, 2003 fails in-part to comply with the provisions of 37 CFR 1.98 (a)(2). The office action indicated that references were not considered because copies of those references were not found in the parent application file. In a telephone discussion, the Examiner acknowledged that although the references were submitted in the parent application, they were not immediately available in the present application. Enclosed are courtesy copies of references 26, 41 thru 43, 161 thru 164, 166, 168, 171 thru 183, 185 thru 200 that were listed on the PTO Form 1449 originally filed October 8, 2003, a courtesy copy of which is attached to this office action. A copy of the date-stamped postcard dated October 14, 2003 is also attached.

Accordingly, Applicants believe no fee is due for providing copies of these references. Further, it is applicants understanding, based on discussion with the Examiner, that all other references have been considered.

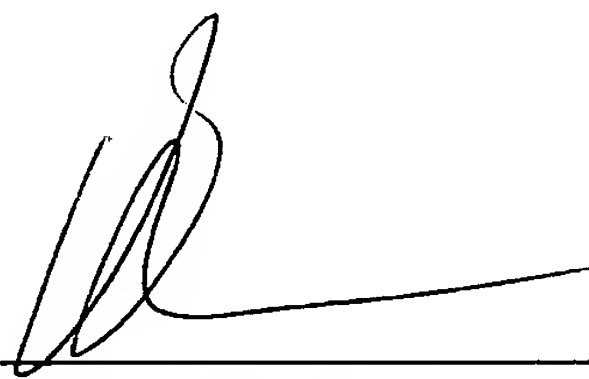
DOCKET NO.: ELSE-0819/20030100
Application No.: 10/617,844
Office Action Dated: March 30, 2005

PATENT

CONCLUSION

In view of the foregoing, applicant respectfully submits that the claims are allowable and that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Vincent J. Roccia at (215) 564-8946, to discuss resolution of any remaining issues.

Date: May 17, 2005



Vincent J. Roccia
Registration No. 43,887

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

Paper:

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PATENT AND TRADEMARK OFFICE**

Information Disclosure Statement (in duplicate);
w/ first class certification, USPTO-1449 (21
pages(s)); 235 reference(s) cited/ 35 references(s)
submitted, return postcard

Applicant(s) :

Rodney C. Hemminger, et al.

Title:

APPARATUS FOR METERING AT LEAST
ONE TYPE OF ELECTRICAL POWER OVER
A PREDETERMINED RANGE OF SERVICE
VOLTAGES

Serial No.:

10/617,844

Filed:

July 11, 2003

Docket No.:

ELSE-0819

Date Sent:

October 8, 2003

Sent By: VJR/DDeSanto

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